

# STATE OF NEW YORK

5075--A

2021-2022 Regular Sessions

## IN ASSEMBLY

February 10, 2021

Introduced by M. of A. STERN, GRIFFIN, DURSO -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to establishing first responder safety zones and speed limits in such safety zones

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 section 141-c to read as follows:

3 § 141-c. First responder safety zone. The area or space, not to exceed  
4 six hundred sixty feet on a highway passing or abutting any facility or  
5 parking area where fire vehicles, police vehicles, ambulances, or emer-  
6 gency ambulance service vehicles are stationed, for use in responding to  
7 emergencies. First responder zones shall be protected, marked or indi-  
8 cated by lines or other markings on the surface and by adequate signs as  
9 to be plainly visible at all times while set apart as a safety zone.

10 § 2. Section 1144-a of the vehicle and traffic law is amended by  
11 adding a new subdivision (d) to read as follows:

12 (d) During an active emergency, every operator of a motor vehicle  
13 shall yield the right of way to any fire vehicle, police vehicle, ambu-  
14 lance, or emergency ambulance service vehicle displaying one or more  
15 red, white, blue or green lights pursuant to the provisions of subdivi-  
16 sion forty-one of section three hundred seventy-five of this chapter and  
17 traveling within or entering a first responder safety zone. A first  
18 violation of this provision shall be punishable by a fine of not more  
19 than five hundred dollars. A second violation of this provision shall be  
20 punishable by a fine of not more than one thousand dollars.

21 § 3. The section heading and subdivision (a) of section 1151 of the  
22 vehicle and traffic law, subdivision (a) as amended by chapter 159 of  
23 the laws of 2002, are amended to read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 Pedestrians' right of way in crosswalks and first responder safety  
2 zone. (a) When traffic-control signals are not in place or not in oper-  
3 ation the driver of a vehicle shall yield the right of way, slowing down  
4 or stopping if need be to so yield, to a pedestrian crossing the roadway  
5 within a crosswalk or first responder safety zone on the roadway upon  
6 which the vehicle is traveling, except that any pedestrian crossing a  
7 roadway at a point where a pedestrian tunnel or overpass has been  
8 provided shall yield the right of way to all vehicles.

9 § 4. Subdivision (d) and paragraph 4 of subdivision (h) of section  
10 1180 of the vehicle and traffic law, subdivision (d) as amended by chap-  
11 ter 432 of the laws of 1997, and paragraph 4 of subdivision (h) as  
12 amended by section 7 of part C of chapter 62 of the laws of 2003, are  
13 amended and a new subdivision (c-1) is added to read as follows:

14 (c-1) Except as provided in subdivision (g) of this section, whenever  
15 maximum first responder zone speed limits have been established on a  
16 highway adjacent to a first responder zone as authorized in section  
17 sixteen hundred twenty, sixteen hundred twenty-two, sixteen hundred  
18 thirty, sixteen hundred forty-three or sixteen hundred sixty-two-a, no  
19 person shall drive a vehicle at a speed in excess of fifteen miles per  
20 hour.

21 (d) 1. Except as provided in subdivision (g) of this section, whenever  
22 maximum speed limits, other than school speed limits or first responder  
23 safety zone speed limits, have been established as authorized in  
24 sections sixteen hundred twenty, sixteen hundred twenty-two, sixteen  
25 hundred twenty-three, sixteen hundred twenty-seven, sixteen hundred  
26 thirty, sixteen hundred forty-three, sixteen hundred forty-four, sixteen  
27 hundred fifty-two, sixteen hundred sixty-two-a, sixteen hundred sixty-  
28 three, and sixteen hundred seventy, no person shall drive in excess of  
29 such maximum speed limits at any time.

30 2. Except as provided in subdivision (g) of this section, whenever  
31 maximum speed limits, other than school speed limits or first responder  
32 safety zone speed limits, have been established with respect to any  
33 restricted highway as authorized in section sixteen hundred twenty-five,  
34 no person shall drive in excess of such maximum speed limits at any  
35 time.

36 4. Every person convicted of a violation of subdivision (c) of this  
37 section when such violation occurs in a school speed zone during a  
38 school day between the hours of seven o'clock A.M. and six o'clock P.M.,  
39 or subdivision (c-1) of this section when such violation occurs in a  
40 first responder speed zone shall be punished as follows:

41 (i) Where the court or tribunal records or enters that the speed upon  
42 which the conviction was based exceeded the applicable speed limit by  
43 not more than ten miles per hour, by a fine of not less than ninety nor  
44 more than three hundred dollars;

45 (ii) Where the court or tribunal records or enters that the speed upon  
46 which the conviction was based exceeded the applicable speed limit by  
47 more than ten miles per hour but not more than thirty miles per hour, by  
48 a fine of not less than one hundred eighty nor more than six hundred  
49 dollars or by imprisonment for not more than fifteen days or by both  
50 such fine and imprisonment;

51 (iii) Where the court or tribunal records or enters that the speed  
52 upon which the conviction was based exceeded the applicable speed limit  
53 by more than thirty miles per hour, by a fine of not less than three  
54 hundred sixty nor more than one thousand two hundred dollars, or by  
55 imprisonment for not more than thirty days, or by both such fine and  
56 imprisonment.

1 § 5. The vehicle and traffic law is amended by adding a new section  
2 1118 to read as follows:

3 § 1118. Signs and markings in first responder safety zones. First  
4 responder safety zones shall be indicated with signage at each end of  
5 such safety zones, alerting motorists to the requirement that the right  
6 of way be yielded to pedestrians and emergency vehicles, and with white  
7 hash marks painted on the road surface between the curbs or, in the  
8 absence of curbs, between the edges of the traversable roadway. Such  
9 signage shall meet department of transportation standards and be  
10 installed properly so that they are clearly visible to motorists in  
11 accordance with the manual on uniform traffic control devices.

12 § 6. Paragraph b of subdivision 2 of section 510 of the vehicle and  
13 traffic law is amended by adding a new subparagraph (xviii) to read as  
14 follows:

15 (xviii) for a period of one year where the holder is convicted of a  
16 third or subsequent violation of section eleven hundred forty-four-a of  
17 this chapter.

18 § 7. Subdivision (a) of section 1620 of the vehicle and traffic law,  
19 as amended by chapter 563 of the laws of 2002, is amended to read as  
20 follows:

21 (a) The department of transportation with respect to state highways  
22 maintained by the state outside of cities having a population in excess  
23 of one million, and highways on Indian reservations, may by order, rule  
24 or regulation establish higher or lower maximum speed limits at which  
25 vehicles may proceed on or along such highways than the fifty-five miles  
26 per hour statutory maximum speed limit. No such maximum speed limit  
27 shall be established at less than twenty-five miles per hour, except  
28 that school speed limits may be established at not less than fifteen  
29 miles per hour, for a distance not to exceed one thousand three hundred  
30 twenty feet, on a highway passing a school building, entrance or exit of  
31 a school abutting on the highway and further that speed limits may be  
32 established at not less than fifteen miles per hour in first responder  
33 safety zones. Absence of signs installed pursuant to this section shall  
34 be presumptive evidence that the department of transportation has not  
35 established a higher maximum speed limit than the fifty-five miles per  
36 hour statutory limit.

37 § 8. Subdivision 1 of section 1622 of the vehicle and traffic law, as  
38 amended by chapter 563 of the laws of 2002, is amended to read as  
39 follows:

40 1. Establish maximum speed limits at which vehicles may proceed on or  
41 along such highways higher or lower than the fifty-five miles per hour  
42 statutory maximum speed limit. No such limit shall be established at  
43 less than twenty-five miles per hour, except that school speed limits  
44 may be established at not less than fifteen miles per hour, for a  
45 distance not to exceed one thousand three hundred twenty feet, on a  
46 highway passing a school building, entrance or exit of a school abutting  
47 on the highway, and further that speed limits may be established at not  
48 less than fifteen miles per hour in first responder safety zones.

49 § 9. Subdivision 5 of section 1630 of the vehicle and traffic law, as  
50 amended by chapter 563 of the laws of 2002, is amended to read as  
51 follows:

52 5. Establishment of maximum and minimum speed limits at which vehicles  
53 may proceed on or along such highways. No such maximum speed limit shall  
54 be established at less than twenty-five miles per hour, except that  
55 speed limits may be established at not less than fifteen miles per hour  
56 in first responder zones, and except that school speed limits may be

1 established at not less than fifteen miles per hour, for a distance not  
2 to exceed one thousand three hundred twenty feet, on a highway passing a  
3 school building, entrance or exit of a school abutting on the highway,  
4 and except that, with respect to bridge and elevated structures that are  
5 a part of any such highway, a lower maximum speed limit may be estab-  
6 lished if it is determined that such lower maximum speed limit is the  
7 maximum speed limit which may be maintained without structural damage to  
8 such bridge or structure, and except that, with respect to any highway  
9 under the jurisdiction of the office of parks, recreation and historic  
10 preservation, other than a parkway as defined in subdivision seventeen  
11 of section 1.03 of the parks, recreation and historic preservation law,  
12 the department of agriculture and markets or the industrial exhibit  
13 authority, a maximum speed limit of not less than ten miles per hour may  
14 be established on any portion thereof, if it is determined that such  
15 lower maximum speed limit is necessary to assure the safety of the  
16 public, and except that, with respect to any highway having toll plazas,  
17 a maximum speed limit of not less than five miles per hour may be estab-  
18 lished for passage through such toll plazas.

19 § 10. Section 1643 of the vehicle and traffic law, as amended by chap-  
20 ter 412 of the laws of 2012, is amended to read as follows:

21 § 1643. Speed limits on highways in cities and villages. The legisla-  
22 tive body of any city or village with respect to highways (which term  
23 for the purposes of this section shall include private roads open to  
24 public motor vehicle traffic) in such city or village, other than state  
25 highways maintained by the state on which the department of transporta-  
26 tion shall have established higher or lower speed limits than the statu-  
27 tory fifty-five miles per hour speed limit as provided in section  
28 sixteen hundred twenty of this title, or on which the department of  
29 transportation shall have designated that such city or village shall not  
30 establish any maximum speed limit as provided in section sixteen hundred  
31 twenty-four of this title, subject to the limitations imposed by section  
32 sixteen hundred eighty-four of this title may by local law, ordinance,  
33 order, rule or regulation establish maximum speed limits at which vehi-  
34 cles may proceed within such city or village, within designated areas of  
35 such city or village or on or along designated highways within such city  
36 or village higher or lower than the fifty-five miles per hour maximum  
37 statutory limit. No such speed limit applicable throughout such city or  
38 village or within designated areas of such city or village shall be  
39 established at less than thirty miles per hour; except that in the city  
40 of Long Beach, in the county of Nassau, speed limits may be established  
41 at not less than fifteen miles per hour on any portion of the following  
42 highways in such city: Cleveland avenue, Harding avenue, Mitchell  
43 avenue, Belmont avenue, Atlantic avenue, Coolidge avenue, Wilson avenue  
44 and Taft avenue. No such speed limit applicable on or along designated  
45 highways within such city or village shall be established at less than  
46 twenty-five miles per hour, except that school speed limits may be  
47 established at not less than fifteen miles per hour, for a distance not  
48 to exceed one thousand three hundred twenty feet, on a highway passing a  
49 school building, entrance or exit of a school abutting on the highway,  
50 and except that speed limits may be established at not less than fifteen  
51 miles per hour in first responder safety zones and except that within  
52 the cities of Buffalo and Rochester speed limits may be established at  
53 not less than fifteen miles per hour for any portion of a highway within  
54 a city park.

55 § 11. Section 1662-a of the vehicle and traffic law, as amended by  
56 chapter 405 of the laws of 2012, is amended to read as follows:

1 § 1662-a. Speed limits in certain towns. The town board of any subur-  
2 ban town governed pursuant to article three-A of the town law and the  
3 town board of any other town having a population exceeding fifty thou-  
4 sand, with respect to highways (which term for the purposes of this  
5 section shall include private roads open to public motor vehicle traf-  
6 fic) in such towns outside any village, other than state highways main-  
7 tained by the state on which the department of transportation shall have  
8 established higher or lower speed limits than the statutory fifty-five  
9 miles per hour speed limit as provided in section sixteen hundred twenty  
10 of this title, or on which the department of transportation shall have  
11 designated that such towns shall not establish any maximum speed limit  
12 as provided in section sixteen hundred twenty-four of this title,  
13 subject to the limitations imposed by section sixteen hundred eighty-  
14 four of this title may by local law, ordinance, order, rule or regu-  
15 lation establish maximum speed limits at which vehicles may proceed  
16 within such towns, within designated areas of such towns or on or along  
17 designated highways within such towns lower than the fifty-five miles  
18 per hour maximum statutory limit. No such speed limit applicable  
19 throughout such towns or within designated areas of such towns shall be  
20 established at less than thirty miles per hour, except that in the town  
21 of Hempstead speed limits may be established at not less than fifteen  
22 miles per hour on any portion of a highway in the community known as  
23 Point Lookout and on all or any portion of the following highways in the  
24 community known as Lido Beach: Ocean Boulevard, Alleward Street, Bath  
25 Street, Buxton Street, Cheltenham Street, Pinehurst Street, Harrogate  
26 Street, Matlock Street, Nantwick Street, Biarritz Street, Royat Street,  
27 Luchon Street, Woodhail Street, Leamington Street, Saratoga Street,  
28 Kensington Street, and Prescott Street; provided, however, that no such  
29 speed limit in such town may be established unless a majority of the  
30 residents of each such community file a petition with the town board of  
31 such town requesting such speed limit. No such speed limit applicable on  
32 or along designated highways within such towns shall be established at  
33 less than twenty-five miles per hour, except that school speed limits  
34 may be established at not less than fifteen miles per hour, for a  
35 distance not to exceed one thousand three hundred twenty feet, on a  
36 highway passing a school building, entrance or exit of a school abutting  
37 on the highway, and except further that speed limits may be established  
38 at not less than fifteen miles per hour in first responder safety zones,  
39 and except further that in the town of Hempstead speed limits may be  
40 established at not less than fifteen miles per hour on any portion of a  
41 highway in the communities known as Point Lookout and Lido Beach;  
42 provided, however, that no such speed limit in such town may be estab-  
43 lished unless a majority of the residents of each such community file a  
44 petition with the town board of such town requesting such speed limit.

45 § 12. Severability. If any clause, sentence, subdivision, paragraph,  
46 section or part of this act be adjudged by any court of competent juris-  
47 diction to be invalid, or if any federal agency finally determines that  
48 this act would render New York state ineligible for the receipt of  
49 federal funds, such judgment or written determination shall not affect,  
50 impair or invalidate the remainder thereof, but shall be confined in its  
51 operation to the clause, sentence, subdivision, paragraph, section or  
52 part thereof directly involved in the controversy in which such judgment  
53 or written determination shall have been rendered.

54 § 13. This act shall take effect on the one hundred eightieth day  
55 after it shall have become a law, and shall apply to violations commit-  
56 ted on and after such date.